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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 OAKLAND DIVISION

16 KEVIN MARTIN, DAVID NORRIS, FRANK) Case No. 10-CV-04020 CW
17 STONE, individually and on behalf of all other)
similarly situated,)
18 Plaintiffs,)
19 v.)
20 MERRILL LYNCH, PIERCE, FENNER &)
SMITH, INCORPORATED, MERRILL LYNCH)
& CO., INC., and DOES 1-20, inclusive,)
21 Defendants.)
22 JOHN KERR, individually and on behalf of all)
other similarly situated,)
23 Plaintiff,)
24 v.)
25 MERRILL LYNCH & CO., INC., MERRILL)
LYNCH, PIERCE, FENNER & SMITH,)
INCORPORATED, and DOES 1-20, inclusive,)
26 Defendants.)
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**STIPULATION AND ORDER
PERMITTING FILING OF
CONSOLIDATED FIRST AMENDED
COMPLAINT**

22 Case No. 11-CV-01654 CW

23 Judge: Hon. Claudia Wilken
Courtroom: 2

24 Martin Complaint Filed: August 6, 2010
Kerr Complaint Filed: January 18, 2011

1 Plaintiffs KEVIN MARTIN, DAVID NORRIS, and FRANK STONE in case no.
2 10-CV-04020 CW, plaintiff JOHN KERR in case no. 11-CV-01654 CW and defendants MERRILL
3 LYNCH, PIERCE, FENNER & SMITH, INCORPORATED and MERRILL LYNCH & CO., INC.
4 in both cases, by and through their respective counsel, stipulate that plaintiffs may file in each of the
5 two cases that consolidated first amended complaint attached hereto as Exhibit A. By stipulating to
6 the filing of the consolidated first amended complaint, the Merrill Lynch Defendants in no way
7 admit any of the allegations it contains. Defendants' date to respond to the filed consolidated first
8 amended complaint is deferred until thirty (30) days following this Court's Order, if any, denying
9 Final Approval of the parties' pending settlement noted on the record at Dkt. #57 in case no. 10-CV-
10 04020 CW and Dkt. #15 in case no. 11-CV-01654 CW.

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12 DATED: July 21, 2011

BARTKO, ZANKEL, TARRANT & MILLER
A Professional Corporation

13
14 /S/
15 By _____
16 Robert H. Bunzel
17 Attorneys for Plaintiffs
18 KEVIN MARTIN, DAVID NORRIS
and FRANK STONE

19 DATED: July 21, 2011

DOSTART CLAPP & COVENEY, LLP

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21 /S/
22 By _____
23 James F. Clapp
24 Attorneys for Plaintiff
25 JOHN KERR
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27
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1 DATED: July 21, 2011

MUNGER TOLLES & OLSON, LLP

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/S/

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By _____

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Victoria L. Boesch

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Attorneys for Defendants

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MERRILL LYNCH, PIERCE, FENNER & SMITH,
INCORPORATED and
MERRILL LYNCH & CO., INC.

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IT IS SO ORDERED.

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DATED: 7/28/2011


UNITED STATES DISTRICT COURT JUDGE

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